

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 8:05CR251 |
| vs. |) | |
| |) | ORDER |
| MANUEL CUBILLOS and |) | |
| MARY MOLER-CUBILLOS, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the motion of defendant, Manuel Cubillos, to continue trial (#30), now set for August 30, 2005. Defendant has filed a waiver of speedy trial as required by NECrimR 12.1. For good cause shown, I find that the motion should be granted and the trial continued to the next available setting, i.e., November 1, 2005.

IT IS ORDERED that defendant's motion (#30) is granted, as follows:

1. Trial of this matter is continued to Tuesday, **November 1, 2005** as to all defendants.
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **August 30, 2005 and November 1, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reasons stated in defendant's motion. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Counsel for the United States shall confer with defense counsel and electronically file a status report no later than **October 18, 2005** advising the court of the anticipated length of trial.

DATED August 10, 2005.

BY THE COURT:

s/ **F.A. Gossett**
United States Magistrate Judge